

2. Important Definitions

Below is a list of brief definitions that will help you as you read this Guide:

B

- Best Interests: The least intrusive, least restrictive course of action available to meet the needs of the individual.

C

- Conservator: An individual, business or entity appointed by a court to manage the estate, property, and/or other business affairs of another individual.

E

- Estate: An individual's land, possessions, or money.

F

- Fiduciary: A person who handles the financial affairs of someone else. This person might be a conservator, trustee, or guardian. It is also a term used by the Veteran's Administration to designate someone who manages a veteran's financial benefits.
- Full Guardianship: A guardianship in which all of the incapacitated person's power to make decisions has been transferred to the guardian, except for those so personal that they cannot be transferred. (See question 7 for rights retained by a protected person).

G

- Guardian: An individual appointed by a court to make decisions on behalf of a person found to be incapable of managing his or her own affairs.
- Guardian Ad Litem: An attorney with special training, appointed by a court to represent the person's best interests during court proceedings.

I

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Incapacitated Person (Incapacity): An individual who is impaired because of mental illness, mental deficiency, physical illness or disability, chronic use of drugs or alcohol, or other causes. The impairment must be to the extent that the person does not have sufficient understanding or ability to make or communicate responsible decisions concerning himself or herself. The term "vulnerable adult" may also be used.

- Interested Party: Generally a person such as a spouse, child, parent, or someone who could be an heir to the estate of a ward or protected person. An interested person also includes any governmental agency (e.g., Veterans Affairs, Social Security, and State Health and Human Services) paying benefits on behalf of the ward, incapacitated person, protected person, or minor; and any person designated by order of the court to be an interested person.

L

- Least Restrictive Alternative: A mechanism, course of action, or environment that allows an individual to live, learn, and work in a setting which places as few limits as possible on the individual's rights and personal freedoms as is appropriate to meet the needs of the ward.

M

- Mediation: A negotiation or discussion that is facilitated by a neutral third party trained as a mediator.

P

- Protective Payee: A person assigned by the Nebraska Department of Health and Human Services to receive public assistance payments.
- Protected Person: A minor or vulnerable adult for whom a conservator has been appointed.

R

- Representative Payee: A person appointed by the Social Security Administration to receive and manage benefits administered through the Social Security Administration.

T

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Temporary Guardian: When an emergency exists, a person appointed by the court to temporarily act as guardian for a limited period of time when an individual is alleged to be incapacitated and has no guardian.

- Testamentary Guardian: A guardian who is assigned in a person's Last Will and Testament to serve as a guardian, typically for a minor child.

V

- Visitor: An impartial member of the community trained and appointed by the Court to gather information and make reports regarding the proposed ward's overall condition.
- Vulnerable Adult: A person aged 18 or older whose ability to protect himself or herself from violence, abuse, neglect or exploitation is significantly impaired through physical or mental disability or illness, old age, emotional fragility or otherwise. The term "incapacitated person" may also be used.

W

- Ward: A person for whom a guardian is appointed.

Please see Neb. Rev. Stat. § 30-2601(1) for additional definitions and use of terms.
